



## CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 22, 2019

CASE NUMBER: 2018OPA-0794

### Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Unfounded)

*This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.*

#### EXECUTIVE SUMMARY:

The Complainant alleged that the Named Employee subjected him to biased policing.

#### ANALYSIS AND CONCLUSIONS:

##### **Named Employee #1 - Allegations #1**

##### ***5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing***

Named Employee #1 (NE#1) was dispatched to a disturbance, which was upgraded to an assault at a nightclub. When NE#1 arrived, the manager of the nightclub informed NE#1 of the descriptions of individuals who were fighting and told him where those individuals were located. The NE#1 contacted four people in a vehicle that matched the descriptions provided and explained why he was making contact. At that time, the Complainant stated that he and his companions were only being contacted because they were Black. NE#1 informed a supervisor of this allegation and called the supervisor to the scene. The Complainant did not wait for the supervisor to arrive and left the scene. The supervisor subsequently referred this matter to OPA and this investigation ensued.

SPD policy prohibits biased policing, which it defines as “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well as other discernible personal characteristics of an individual.” (SPD Policy 5.140.) This includes different treatment based on the race of the subject. (*See id.*) The policy provides guidance as to when an allegation of biased policing occurs, explaining that: “an allegation of bias-based policing occurs whenever, from the perspective of a reasonable officer, a subject complains that he or she has received different treatment from an officer because of any discernible personal characteristic...” (*Id.*)

Based on my review of the record, which included Body Worn Video, I find that the NE#1 had reasonable suspicion to contact the Complainant based on the fact that he matched the description of an individual involved in an altercation. As such, the Complainant’s conduct, not his race, was the reason that law enforcement action was taken against him. There is no evidence establishing that NE#1, instead, engaged in biased policing.



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As such, I recommend that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**